



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:  
JAY E. GEROW

Serial No. : 10/627,579                      Group Art Unit: 3712  
Filed : July 24, 2003                      Examiner: Benjamin Layno  
For : METHOD, APPARATUS AND GAMING SET  
FOR USE IN A PROGRESSIVE GAME

Commissioner for Patents  
P.O. Box 1540  
Alexandria, Virginia 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Jay E. Gerow of Bothell, Washington, and ZDI Gaming, Inc. of Lynnwood, Washington, are the owners of the entire right, title and interest in and to U.S. Patent Application Serial No. 10/627,579, filed on July 24, 2003, for a METHOD, APPARATUS AND GAMING SET FOR USE IN A PROGRESSIVE GAME.

Jay E. Gerow and ZDI Gaming, Inc. hereby disclaim the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,599,187, which was issued on July 29, 2003, and hereby agrees that any patent so granted on the above-identified U.S. Patent Application Serial No. 10/627,579, shall be enforceable only for and during such period that legal title to the patent so granted shall be the same as the legal title to U.S. Patent No. 6,599,187, this agreement to run with any patent granted on the above-identified U.S. Patent Application Serial No. 10/627,579, and to be binding upon the grantee, its successors or assigns.

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In making the above disclaimer, Jay E. Gerow and ZDI Gaming, Inc. do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,599,187, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned hereby states that he is the attorney of record for Applicant and Assignee and has the authority to sign this disclaimer.

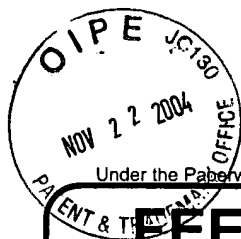
Signed at Portland, State of Oregon, this 19<sup>th</sup> day of November, 2004.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



David S. D'Ascenzo  
Registration No. 39,952  
PTO Customer No. 23581  
Kolisch Hartwell, P.C.  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679



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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55.00)

## Complete if Known

Application Number	10/627,579
Filing Date	July 24, 2003
First Named Inventor	Jay E. Gerow
Examiner Name	Benjamin Layno
Art Unit	3712
Attorney Docket No.	ZDI 301E

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

11-1540

Kolisch Hartwell, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
40	-20** = 0	9.00	0.00
04	-3** = 0	44.00	0.00
Multiple Dependent		150.00	0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) TERMINAL DISCLAIMER			55.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00)

## SUBMITTED BY

Name (Print/Type)	David-S. D'Ascenzo	Registration No. (Attorney/Agent)	39,952	Telephone	(503) 224-6655
Signature		Date	November 19, 2004		

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